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VIA ECF AND EMAIL

Honorable Katharine H. Parker
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 17D
New York, NY 10007-1312

Re: Ricardo Inc. v. Via Motors, Inc., et al., Case No. 23 Civ. 9390 (JPO) (KHP)

Dear Magistrate Judge Parker:

We represent plaintiff Ricardo Inc. ("Ricardo"). We write to oppose Defendants' letter motion filed last night to adjourn the Settlement Conference scheduled for today at 2 pm (ECF No. 69). Our client representative flew in from Michigan last night for the conference, and we believe the conference should proceed with Defendants' client representative appearing remotely, for the following reasons.

First, we believe that the conference will be productive to address Ricardo's letter motion for a judgment enforcing a prior settlement with defendant Wave achieved before Your Honor (ECF No. 64). Second, we believe a settlement conference will be productive to address defendants Via and Ideanomics potentially entering into an agreed judgment so that Ricardo and this Court can avoid expending time and resources in drafting and deciding a motion for summary judgment, respectively.

Although Defendants claim they are considering bankruptcy, that does not mean that will necessarily occur. Ricardo would like to proceed expeditiously in an attempt to obtain and enforce judgments while assets may be available.

In the alternative, we respectfully request that the Court enter an Order as requested in ECF No. 64 granting judgment in favor of Ricardo, and against Wave and Ideanomics jointly and severally, in the amount of \$90,000, plus pre-judgment interest accruing from July 20, 2024 at the annual rate of 9%, plus post-judgment interest.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Gerry Silver

Gerry Silver, Esq.